

Remarks/Arguments

Claims 3, 10-15, 18-40, 42, 44-47 and 51-66 are now pending in this application. In the September 7, 2004 office action, claims 3, 10-15, 18-40, 42, 44-47, and 51-64 were rejected under 35 U.S.C. §103 (a) as being obvious over US 2002/0002552 A1 to Schultz et al. (hereinafter "*Schultz*") in view of CellPoint ("*CellPoint* and Webraska Join Forces for New, Live Navigation Services Based on GSM Positioning of Cellular Phones," Business Wire, June 29, 2000), and further in view of US 2002/0087408 A1 to Burnett (hereinafter "*Burnett*").

Independent Claim 15

Claim 15 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schultz* in view of *CellPoint* and *Burnett*. The applicant respectfully submits that the cited combination fails to teach, suggest, or describe each recitation of independent claim 15. In particular, the combination does not teach "wherein the plurality of advertiser entries include at least a first subset of advertiser entries and a second subset of advertiser entries, each advertiser entry of the first subset of advertiser entries includes advertiser measured location information, and each advertiser entry of the second subset of advertiser entries lacks advertiser measured location information" as recited by claim 15.

As acknowledged by the Office Action, *Schultz* fails to teach a second subset of advertiser entries, wherein each entry of the second subset of advertiser entries lacks advertiser measured location information. However, the Office Action suggests that this recitation would be obvious since *Schultz* teaches sorting results and including or excluding additional advertising information with the results. The Office Action further cites *In re Larson* and *In re Kuhle* in support of the assertion that it would be obvious to sort the results in different formats, including with address information and without address information. The applicant respectfully submits that *In re Larson* and *In re Kuhle* are not applicable in the present situation given that the applicant has not attempted to simply omit a non-desired feature of the prior art. In the contrary, the applicant has added a feature that the cited art does not teach. Namely, claim 15 recites a first subset of advertiser entries that includes advertiser measured location information and a second subset of advertiser entries that lacks measured location information.

This additional limitation benefits both the users and the advertisers. The user benefits by being provided with not only a list of applicable advertisers with location information, but also with a list of other advertisers that are equally applicable, but without location information. For example, the user may scan the list of advertisers with measured location information for familiar names that are close in proximity to the user's location. If the user finds a desired match from the first subset, he has benefited by the increased search accuracy and time savings associated with only having to scan a shorter list of applicable advertisers. If however, the user does not find an advertiser that he recognizes or desires from the first subset, the user still benefits from having the second subset of advertiser results in the same result presentation without having to conduct another search. The advertisers benefit by having a choice of fees to pay depending on whether they desire to be in the first or second subset of advertisers. They are not forced to pay a fee associated with the measured location information if they decide that the benefit is not worth the price. Therefore, the additional limitation of claim 15 associated with the second subset of advertiser entries is not merely omitting a non-desired feature of the prior art to which *In re Larson* and *In re Kuhle* addresses.

Further, the applicant has amended independent claim 15 to recite a processor configured to "present the retrieved one or more advertiser entries from the first subset based at least in part on a first sorting criteria corresponding to an association between the user measured location information and the advertiser measured location information of the selected one or more advertiser entries" and "present the retrieved one or more advertiser entries from the second subset separately from those of the first subset and based at least in part on a second sorting criteria." *Schultz* fails to teach or suggest this recitation. *Schultz* describes a single search, sort, and present operation. A search is requested, results matching the criteria are found, and the results may be sorted for relevance prior to presentation to the requestor. The embodiment recited by claim 15, among other things, searches two subsets of advertiser entries, sorts each subset using separate sorting criteria, and presents the results such that each subset is separate from the other. There is nothing within any cited reference that would render the recitations of claim 15 obvious without the benefit of hindsight given the present application. Accordingly, for at least these reasons, independent claim 15 is allowable over the cited art.

Independent Claim 26

Claim 26 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schultz* in view of *CellPoint* and *Burnett*. The applicant has amended claim 26 to more clearly depict aspects of the present invention. The applicant respectfully submits that the cited combination fails to teach, suggest, or describe each recitation of amended independent claim 26. In particular, the combination does not teach “storing a plurality of advertiser entries in a yellow page database, wherein the plurality of advertiser entries include at least a first subset of advertiser entries, a second subset of advertiser entries, and a third subset of advertiser entries, each advertiser entry of the first subset of advertiser entries includes an advertiser identifier field to store an advertiser identifier, an advertiser category identifier field to store one or more category identifiers, and an advertiser measured location information field to store advertiser measured location information, and wherein each advertiser entry of the third subset of advertiser entries lacks advertiser measured location information” as recited by claim 26. As discussed above with respect to independent claim 15, the cited art fails to teach or suggest multiple subsets of advertiser entries wherein at least one subset includes advertiser measured location information and at least another lacks advertiser measured location information. For the reasons discussed above, independent claim 26 is allowable over the cited art.

Independent Claim 40

Claim 40 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schultz* in view of *CellPoint* and *Burnett*. The applicant respectfully submits that the cited combination fails to teach, suggest, or describe each recitation of independent claim 40. In particular, the combination does not teach “presenting a list of advertiser information from the first set of advertiser entries including advertiser measured location information prior to presenting a list of advertiser information from the second set of advertiser entries lacking advertiser measured location information” as recited by claim 40. For at least the same reasons as discussed above with respect to independent claim 15, independent claim 40 is allowable over the cited art.

Independent Claim 42

Claim 42 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schultz* in view of *CellPoint* and *Burnett*. The applicant respectfully submits that the cited combination fails to teach, suggest, or describe each recitation of amended independent claim 42. In particular, the combination does not teach “operating a yellow pages service, the yellow pages service including a first advertiser’s information and a second advertiser’s information, the first advertiser’s information including measured location information, the second advertiser’s information lacking measured location information” and “presenting the retrieved one or more advertiser’s information in a manner that the first advertiser’s information are displayed prior to the second advertiser’s information” as recited by claim 42. For at least the same reasons as discussed above with respect to independent claim 15, independent claim 42 is allowable over the cited art.

Independent Claim 44

Claim 44 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schultz* in view of *CellPoint* and *Burnett*. The applicant respectfully submits that the cited combination fails to teach, suggest, or describe each recitation of amended independent claim 44. In particular, the combination does not teach “means for storing advertiser identifiers in at least each advertiser entry of the third subset of the plurality of advertiser entries, the advertiser identifiers in the third subset lacks advertiser measured location information” as recited by claim 44. For at least the same reasons as discussed above with respect to independent claim 15, independent claim 44 is allowable over the cited art.

Independent Claim 51

Claim 51 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schultz* in view of *CellPoint* and *Burnett*. The applicant respectfully submits that the cited combination fails to teach, suggest, or describe each recitation of amended independent claim 51. In particular, the combination does not teach “store advertiser identifiers in at least each advertiser entry of the third subset of the plurality of advertiser entries, the advertiser identifiers in the third subset lacks advertiser measured location information” as recited by claim 51. For at least the same reasons

as discussed above with respect to independent claim 15, independent claim 51 is allowable over the cited art.

Independent Claim 62

Claim 62 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schultz* in view of *CellPoint*. The applicant has amended claim 62 to more clearly depict aspects of the present invention. The cited combination fails to teach, suggest, or describe each recitation of amended independent claim 62. In particular, the combination does not teach a processor configured to “determine a location relationship between the user and each advertiser associated with each retrieved advertiser entry from the first subset of advertiser entries using the user measured location information and the advertiser measured location information and sort retrieved advertiser entries based on this location relationship” and “if the user indicates a desire to retrieve advertiser entries from the second subset of advertiser entries, determine a location relationship between the user and each advertiser associated with each retrieved advertiser entry from the second subset of advertiser entries using the user measured location information and general designated area information and sort retrieved advertiser entries based on this location relationship” as recited by claim 62.

To illustrate the recitations of claim 62, the following example is helpful. Utilizing the system recited by claim 62, a user may initiate a yellow page search for a restaurant. Upon receiving a confirmation request, the user may confirm that he is searching for a restaurant, further specify a Chinese restaurant, and indicate a desire to see results for Chinese restaurants that do not include measured location information in addition to those that do. A list of Chinese restaurants will be presented to the user including two “subsets” of restaurants. The first subset includes restaurants sorted by a measured location relationship from the user. As an example, the first restaurant listed may be 5 miles from the user, a second restaurant being 10 miles, and a third restaurant 12 miles from the user. The location relationship could also be based on travel time as opposed to distance. After the first subset of results, a second subset will be presented as a result of the user’s indicated desire to see the second subset results. These results include restaurants also sorted by location relationship with the user, but without the precise

measurements of the first subset since the restaurants of the second subset are not stored with measured location information. They may, however, be stored with location information such as telephone exchanges, area codes, zip codes, and local access and transport area information. This location information can be used to estimate a distance from the user when compared to the user's measured location information.

For example, the first restaurant in the second subset of results may be listed first because it shares a telephone exchange with the user's telephone, indicating a closer proximity to the user than a restaurant without a shared exchange. The second restaurant listed in the second subset of results may share an area code with the user indicating a closer proximity to the user than restaurants of a different area code, but not as close as the restaurant with the same exchange. The applicant submits that the cited combination fails to teach or suggest an equivalent system to the one recited in independent claim 62. As discussed above with respect to independent claim 15, *Schultz* fails to teach or suggest multiple subsets of advertiser entries, with at least one containing measured location information and at least one lacking measured location information. *Schultz* further fails to teach or suggest specifically a first subset of advertiser entries with measured location information and a second subset with designated area information instead of measured location information and separately sorting and presenting the search results from the first and second subsets according the location relationships derived from the measured location information and designated area information respectively. Accordingly, for at least these reasons, independent claim 62 is allowable over the cited art.

Dependent Claims 3, 10-14, 18-25, 27-39, 45-47, 52-61, and 63-66

Because the prior art of record fails to teach, suggest, or describe the recitations of claims 3, 10-14, 18-25, 27-39, 45-47, 52-61, and 63-66 and because claims 3, 10-14, 18-25, 27-39, 45-47, 52-61, and 63-66 depend from allowable independent claims 15, 26, 44, 51 and 62, dependent claims 3, 10-14, 18-25, 27-39, 45-47, 52-61, and 63-66 are allowable over the cited art.

New Claims 67 and 68

The applicant added new claims 67 and 68. Support for these recitations is found in paragraph [0051] on page 25 of the current specification. The applicant submits that because the art of record fails to teach, suggest, or describe the recitations of claims 67 and 68, new claims 67 and 68 are allowable over the cited art.

Conclusion

In view of the foregoing amendment and remarks, the applicant respectfully submits that the present application is in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 13-2725. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicant's undersigned attorney at the number below.

Respectfully submitted,
MERCHANT & GOULD



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